Confidentiality Laws

✓ Family Education Rights and

Privacy Act (FERPA)

✓ Individuals with Disabilities

Education Act (IDEA)



FERPA

Protects privacy of student education records

Applies to all schools that receive federal funds

IDEA includes FERPA requirements

Educational records =

- Records (information) collected, maintained, or used by district
- Examples:
 - grades
 - anecdotal notes
 - test scores
 - IEPs
 - medical records, and other information

Amendment of records

- If parent believes information is inaccurate or misleading, or violates the privacy or other rights of the student
- If LEA refuses to amend, parent may request hearing
- If hearing results in no amendment, parent may place dissenting opinion in record

Access to records

- Parents or students who have reached the age of 18 or who attend a school beyond high school level.
- Without unnecessary delay, always within 45 days of request
- Schools provide copies of records if parents cannot review on site; charge for copies permitted

Release to other parties

 Parents may release access to records to others by signed consent

Schools may disclose to

- School officials with legitimate educational interest
- Schools to which student transfers
- Specified officials for audit or evaluation purposes
- Accrediting organizations
- Other legal or safety situations

Legitimate educational interest?

Sometimes called "need to know"

- Only what is needed
- Not just curiosity

Keep records safe



What do general education teachers need to know?

Reading level	Statewide assessment participation	Category of disability	Medical reports
If child adopted	Accommoda -tions	Discipline record	Supports in classroom
Behavior intervention plan	Goals	How disability affects work	Writing achievement

Is there a need to know?



- Medical reports
- Disability
- Adoption
- Parent status
- Discipline records
- Religion
- Racial background
- Relatives

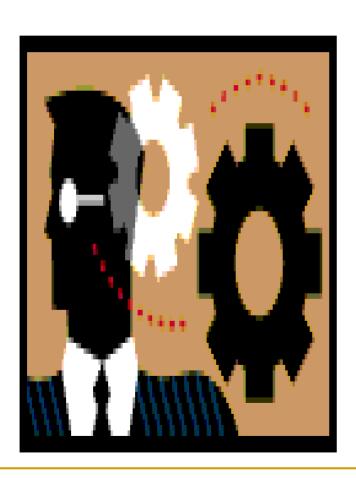
What about paraeducators?

- Apply the "need to know" principle.
- Paraeducators work with students with training and supervision from the professional teacher/case manager.
- For those children they work with.
- Needs for playground, lunchroom.

Legitimate information shared...

- In professional manner
- No gossip
- Copy of IEP for teacher
- Copy of accommodations, and goals relevant to content taught
- At school
- Only with those who need it

Information never shared...



- In lunchroom with random group of staff members
- At post office
- At church
- Over the proverbial back fence
- In front of other students, parents, or adults
- In grocery store

Record of Access

LEA must keep record of access

 Who, when, agency/organization represented, purpose

Parent has access to this record

Other records

 Files must say where other records are maintained

- School office
- District office

Directory information

- Name address, phone number, date and place of birth, honors and awards, and dates of attendance
- May be shared without permission.
- Parents and students must be notified annually in time to tell school not to disclose directory information

Annual notification required

Method up to school

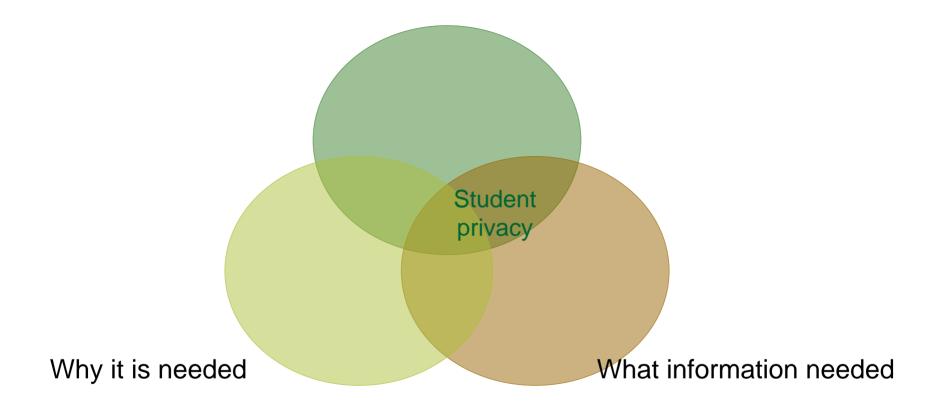
- Letter
- PTA bulletin
- Student handbook
- Newspaper article
- Other



Consequences of not following law

- Lawsuit
- Loss of federal funding
- Conviction of misdemeanor under Public Information Act
- Dismissal

Who needs information



KEEP IN MIND

